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HUMAN RIGHTS QUESTIONS

Statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status with the Economic and Social Council, category I

The Secretary-General has received the following statement, which is circulated in accordance with paragraphs 23 and 24 of Economic and Social Council resolution 1296 (XLIV) of 23 May 1968.

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RESULTS OF THE SYMPOSIUM ORGANIZED BY THE INTER-PARLIAMENTARY UNION* ON "PARLIAMENT: GUARDIAN OF HUMAN RIGHTS" (BUDAPEST, 19-22 MAY 1993)

Held as an adjunct to the World Conference on Human Rights, this Symposium was organized at the invitation of the Hungarian Parliament with the assistance of the Parliamentary Assembly of the Council of Europe and the United Nations Centre for Human Rights. It gave 150 parliamentarians from 58 countries and a great many chairmen and active members of parliamentary human rights committees an opportunity to interact with experts and representatives of the competent international organizations.

Primarily devoted to a debate on the principles involved and means available to Parliament and its members for promoting human rights and effectively preventing all abuses in this area, the Symposium aimed to identify ways in which representative institutions could more effectively play their role of guardian of human rights and thus encourage more resolute parliamentary action in this field. The participants made a great many number of recommendations for action by parliamentarians and human rights organizations.

*Below are extracts from the synthesis of the Symposium debates** which cannot be reproduced in full here.*

... "The Symposium clearly emphasized the universal nature of human rights as set forth in the Universal Declaration of Human Rights, even if some participants asserted the primacy of their cultural or religious aspects".

"Moreover, the indivisible nature of civil and political rights and of economic, social and cultural rights was stressed" together with "the indissoluble links between respect for human rights, democracy and development."

... "Parliament must possess certain basic characteristics if it is to be the real guardian of human rights." It must in particular "reflect faithfully the diversity of all components of society: political trends, sexes, races, ethnic groups, minorities, etc."

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* The Inter-Parliamentary Union is the world organization of parliaments. 124 national parliaments are currently represented in the Union, and 3 international parliamentary assemblies are associate members.

** This text was distributed to the World Conference on Human Rights (Vienna, 14-25 June 1993) as a Conference document.

"democracy can only have real meaning insofar as women take part in all decision-making bodies, particularly in parliament, on a basis of strict equality with men both legally and in practice".

"Some proclaimed that minorities must first and foremost be represented through the politico-institutional system common to the entire nation. Either because minorities may be geographically dispersed - a situation that hampers their representation within constituency boundaries - or because they lack political cohesiveness, other speakers were in favour of special politico-institutional measures: election of their representative(s) by the communities themselves regardless of the territorial division into constituencies, establishment of quotas, appointments, reserved seats".

... "the representation of minorities in parliament goes hand in hand with respect for their right to take part in local decision-making bodies but also with recognition and free exercise of their own culture and language, and access by their members to education, with no discrimination whatsoever;" its representatives in Parliament "must act and be considered as the representatives of the entire nation".

... protection of minorities can be ensured by "setting up a specialized parliamentary body; making it a requirement for the Executive to report periodically to parliament on the implementation of the recommendations of the national body responsible for minority issues; appointing an independent commissioner for indigenous peoples who is also required to report to parliament".

... "the opposition must have its place in parliament and that, if parliament is to function as a representative institution, it is necessary to ensure balances in parliamentary practice so that the opposition can freely perform its role".

"Parliament's primary role is not only to enshrine these rights adequately in national law with a view to averting any backsliding but also to ensure that the standard it approves is given substance in the corresponding practical measures. In carrying out its function of monitoring the government, it can also impose sanctions up to the point of a vote of no confidence. Lastly, it is the authority which adopts the national budget and can steer funds towards sectors of primary impact as regards the enjoyment of human rights".

... "To the extent that the [parliamentarians] enjoy the freedom of expression essential to their parliamentary functions, MPs are key actors in the promotion and protection of human rights and in building a society imbued with the values of democracy and human rights. They can, in particular, denounce before parliament and public opinion any abuses they notice or which are pointed out by members of the electorate".

Parliament and its members must "ensure that the educational system promotes human rights awareness throughout society. More specifically, this concern must extend to offering courses to familiarize members of the police and security forces with respect for human rights principles."

... "the participants [in the Symposium] signalled their strong disapproval of the practice of torture which is unfortunately widespread." Parliamentarians were urged "to take action so that the International Convention against Torture is ratified as rapidly as possible by all States that have not yet done so and so that its provisions may be strictly applied. An appeal was made for regular contributions to the United Nations Fund for Torture Victims".

The governmental human rights committees "could usefully contribute to creating or developing human rights awareness and that interaction between that institution and parliament and its members was highly desirable and beneficial". ...

... "Non-governmental institutions such as trade unions, private associations and human rights organizations constitute an invaluable source of information and expertise for MPs who, in many countries, lack the resources and assistance needed if they are to be effective in monitoring the policy and practice of the government in the field of human rights."

It is necessary to reinforce "the human and material resources available to parliaments and their members". (...) "In most countries, and particularly those going through a phase of transition towards democracy, such constraints represent a major obstacle to effective parliamentary action" ...

... "parliament can intervene long before the ratification stage". It is to be deplored that "parliaments are not generally involved in the preparation and negotiation of international instruments."

... "MPs must vigilantly exercise their right to question the government as to why a particular international instrument was not ratified or to bring about a revision of the reservations expressed at the time of ratification."

"In the case of such basic principles as fundamental human rights and freedoms - for example, the right to life and not to be tortured - it was felt highly desirable for these rights to be enshrined in the Constitution rather than in ordinary law", so as to offer "a guarantee that these principles are less likely to be derogated from."

"Parliaments should also ratify the devolution of competence to the UN Committees empowered by certain treaties to receive and examine complaints from individuals or groups who consider that their rights have been violated."

... "parliaments should be more diligent in seeing to it that the Executive submits to the international treaty bodies the requisite reports, including references to the work and observations of MPs. If parliaments are not consulted when these reports are drawn up, they should receive them for information, as well as the opinions, decisions or recommendations of the committees to which they were submitted".

"Taking up a principle endorsed by the Inter-Parliamentary Union, many participants strongly averred that questions of human rights and fundamental freedoms are matters of legitimate international concern since respect for these rights and freedoms constitutes one of the foundations of the international order. They stressed that the international community can, and rightly so, be concerned about respect for the international undertakings given by those States which have ratified international human rights instruments".

... "international action as regards human rights should be based on the universal standards constantly invoked and on a non-selective basis".

... "if parliament is to be an effective guardian of human rights, its members must have full freedom of expression in carrying out their functions", as guaranteed by parliamentary immunity, which "is not impunity since it can be lifted; immunity should be seen as a procedure which shelters an MP from unduly hasty and arbitrary proceedings. On the other hand, immunity is less an individual protection for MPs than a guarantee for the institution of parliament itself and for the electorate".

"States of emergency, which are provided for in most juridical systems and the major international human rights instruments, must not open the door to arbitrary measures".

"The importance of parliament being able to perform its role as regards both the proclamation and lifting of a state of emergency, as regards the identification of rights which may be derogated from during the state of emergency and as regards the monitoring of the activities of authorities invested with exceptional powers, notably the security forces and police".

"States of emergency must be defined in provisions having the status of constitutional norms so that this legal institution is sheltered from opportunist legislative reforms, and the participants stressed the importance of provisions prohibiting the dissolution or even the suspension of parliament while such states are in force".

... "a certain number of rights must at all times be exempt from any derogation".

In addition, the Symposium analysed the role of parliamentary committees as an instrument for the promotion and defence of human rights and made several recommendations which will be studied in parliaments.